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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,314

05/03/2002

Oscar Salonaho

4925-217PUS

4635

7590

05/17/2006

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EXAMINER

JAGANNATHAN, MELANIE

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,314

Applicant(s)

SALONAH, OSCAR

Examiner

Melanie Jagannathan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2002.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 12, 14, 16 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 14, 16 and 19 recite claim language for determining a candidate cell for an active set, involving the test cell being accepted for the active set if an acceptance criterion is fulfilled. The acceptance criterion involves quality factors for a first and second active set. It is not clear how there is a first active set and second active set in the determination of a candidate cell for the active set, or if the first active set and second active set are each a subset of the active set. Examiner requests clarification.

On line 1 of claim 12, "the active set" should be changed to "an active set". Claim 12 recites claim language for determining a cell to be removed from the active set. A test cell is removed from the active set if a rejection criterion is fulfilled. The rejection criterion is evaluated using a temporary set containing cells of the active set except the cell having the smallest quality factor set. It is disclosed the fulfillment of the rejection criterion involves quality factors of cells in a first temporary set and a second temporary set. It is not clear how there are first and second temporary sets and one active set if a temporary set is supposed to contain certain cells of the one active set. Examiner requests clarification.

Allowable Subject Matter

3. Claims 1, 12, 14, 16 and 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2-11, 13, 15, 17-18, 20-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 14, 16, 19, prior art of record does not disclose, in single or in combination, an acceptance criterion is selected that a first limit is equal to a second limit value multiplied with a finite number, first limit value is for a certain first quality factor of test cell and for a certain set of quality factors, second limit value is for a certain second quality factor of test cell and for a certain set of quality factors, the first quality factor is equal to the second quality factor multiplied with same finite number and first set of quality factors is same as set formed of quality factors belonging to second set of quality factors multiplied with same finite number.

Regarding claim 12, prior art of record does not disclose, in single or in combination, an rejection criterion is selected that a first limit is equal to a second limit value multiplied with a finite number, first limit value is for a certain first quality factor of test cell and for a certain set of quality factors, second limit value is for a certain second

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quality factor of test cell and for a certain set of quality factors, the first quality factor is equal to the second quality factor multiplied with same finite number and first set of quality factors is same as set formed of quality factors belonging to second set of quality factors multiplied with same finite number.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shi US 6,507,740 discloses adaptive threshold of handoff in mobile telecommunication system.

Bark et al. US 6,445,917 disclose mobile station measurements with event-based reporting.

Cutler et al. US 5,678,184 disclose pre-computation of candidate handoff list for cellular communications.

Padovani US 6,999,776 discloses optimization of cellular network.

Terasawa US 6,456,606 discloses handoff control in asynchronous CDMA system.

Smolik US 6,119,005 discloses automated determination of handoff neighbor list for cellular communication systems.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ *nd*
5/10/06


CHI PHAM
SUPERVISORY PATENT EXAMINER
5/11/06